HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 14491 of 2002

Dated 23rd August, 2007

Between
Sri Sreenivasa Mahal, Mangalagiri,
Guntur District, rep. By its Managing Partner
A.V.Koteswara Rao

…Petitioner

and

The Joint Collector and Licensing Authority,
Guntur District, Guntur, and, anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :14491 of 2002

ORDER:

The petitioner, a cinema theatre in Mangalagiri, has filed this Writ Petition questioning the order dated 3-8-2002 in Proceedings in Rc.No.1483/2002-C1, passed by the Joint Collector -licencing authority, suspending the licence of the petitioner on the ground that in spite of the fact that balcony class was in repair and was closed, the petitioner had admitted audience into the chair class with balcony class tickets, in violation of the A.P. Cinemas (Regulation) Rules, 1970 and, also on the ground that no regular toilets were being maintained.

At the stage of admission, this Court had granted interim order on 8-8-2002 and the said order continued all along.

It is the case of the petitioner that as much as the petitioner was paying entertainment tax under the slab system, irrespective of occupancy of the audience, there was no loss of revenue to the

government as alleged. The said averment of the petitioner is not controverted by the respondents by filing any counter affidavit, though the matter is pending consideration for the last five years.

With regard to the other ground that the petitioner was not maintaining regular toilets, having regard to the instructions issued in this regard, the same is not a serious allegation so as to suspend the licence itself. In that view of the matter, the order under challenge, dated 3-8-2002 is quashed.

The Writ Petition is allowed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 23-8-2007.
Msnr.